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15 Attorneys for Defendant
SAFEWAY INC.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

19 MICHAEL RODMAN, on behalf of himself
20 and all others similarly situated,

Case No. 11-03003 JST (JCS)

21 Plaintiff,

**JOINT STIPULATION AND [PROPOSED]
ORDER CONTINUING HEARING DATE
FOR PLAINTIFF'S MOTION FOR
SANCTIONS**

22 v.

23 SAFEWAY INC.,

24 Defendant.

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1 Plaintiff Michael Rodman on behalf of himself and the certified Class ("Plaintiff") and
2 Defendant Safeway Inc. ("Safeway") stipulate as follows:

3 WHEREAS, the Court entered final judgment (Dkt. No. 406) in favor of Plaintiff for
4 breach of contract damages plus pre-judgment interest and against Safeway Inc. ("Safeway");

5 WHEREAS, Safeway filed a notice of appeal (Dkt. No. 408), which appeal is pending
6 before the United States Court of Appeals for the Ninth Circuit;

7 WHEREAS, Plaintiff filed a Motion for Sanctions on April 6, 2016 (Dkt. No. 434);

8 WHEREAS, Safeway filed its Opposition to Plaintiff's Motion for Sanctions on May 13,
9 2016 (Dkt. No. 446);

10 WHEREAS, Plaintiff filed his Reply in support of Plaintiff's Motion for Sanctions on
11 Friday, June 3, 2016 (Dkt. No. 453);

12 WHEREAS, on May 2, 2016, the Court continued the hearing on Plaintiff's Motion for
13 Sanctions from June 16, 2016 to July 14, 2016 (Dkt. No. 439);

14 WHEREAS, on June 26, 2016, the Court continued the hearing on Plaintiff's Motion for
15 Sanctions from July 14, 2016 to July 21, 2016 (Dkt. No. 456);

16 WHEREAS, due to a recent family tragedy, Safeway's lead counsel is unavailable to
17 participate in a hearing on July 21, 2016, and Plaintiff's counsel has agreed to Safeway's request
18 to continue the hearing date;

19 NOW, THEREFORE, the parties to the above-captioned action hereby stipulate and agree
20 that, subject to approval by the Court, to continue the hearing date on Plaintiff's Motion for
21 Sanctions from July 21, 2016 at 2:00 pm to August 18, 2016 at 2:00 pm, or thereafter as the
22 Court's schedule will permit.

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24 IT IS SO STIPULATED.

25 Dated: July 15, 2016

Dated: July 15, 2016

26 REED SMITH LLP

CHIMICLES & TIKELLIS LLP

27 By: /s/ James A. Daire *

By: /s/ Steven A. Schwartz

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Attorneys for Plaintiff
MICHAEL RODMAN and the Class

* I, James A. Daire, am the ECF User whose identification and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Steven A. Schwartz has concurred in this filing.

1 **PROPOSED** ORDER

2 Good cause appearing therefore, PURSUANT TO STIPULATION, IT IS ORDERED
3 THAT the hearing on Plaintiff's Motion for Sanctions is continued from July 21, 2016 at 2:00 pm
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to August 18, 2016 at 2:00 pm. IT IS SO ORDERED.

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6 Date: July 15, 2016
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